

# EXHIBIT “I”

2/26/2008

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PORTION OF  
LEON VALLEY  
ZONING AND LAND USE COMMISSION MEETING  
OF  
FEBRUARY 26, 2008

Telephone Eddie Morris - Court Reporters, Inc. Telecopier  
210.698.2727 92 Trailcrest, San Antonio, Texas 78232 210.698.5556

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1 CHAIRMAN GUERRA: Let me call to order the  
2 meeting of the Zoning and Land Use Commission for the  
3 City of Leon Valley. Our first item on the agenda is  
4 the polling for attendance.

5 UNIDENTIFIED FEMALE: Mr. Chairman. Chair  
6 Claude Guerra?

7 CHAIRMAN GUERRA: Here.

8 UNIDENTIFIED FEMALE: Vice chairman Dick Persyn  
9 has an excused absence this evening. Vice chair Wendy  
10 Phelps?

11 MS. PHELPS: Here.

12 UNIDENTIFIED FEMALE: Renee Baird?

13 MS. BAIRD: Here.

14 UNIDENTIFIED FEMALE: Rich Braune?

15 MR. BRAUNE: Here.

16 UNIDENTIFIED FEMALE: Olen Yarnell?

17 MR. YARNELL: Here.

18 UNIDENTIFIED FEMALE: Sharon Hendricks?

19 MS. HENDRICKS: Here.

20 UNIDENTIFIED FEMALE: Pedro Esquivel? I'm  
21 sorry.

22 CHAIRMAN GUERRA: He called and he's out of  
23 town.

24 UNIDENTIFIED FEMALE: He has an excused  
25 absence.

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1 CHAIRMAN GUERRA: Uh-huh.

2 UNIDENTIFIED FEMALE: Hal Burnside?

3 MR. BURNSIDE: Here.

4 UNIDENTIFIED FEMALE: Paul Biever?

5 MR. BIEVER: Present.

6 UNIDENTIFIED FEMALE: Sir, we have two members  
7 missing. Everyone else is here.

8 CHAIRMAN GUERRA: All right. Thank you. The  
9 next item is the approval of the minutes for January  
10 the 22nd, 2008. You should have received them in your  
11 packets. Is there anyone who has any additions or  
12 corrections to the minutes?

13 UNIDENTIFIED MALE: I have two items, Your  
14 Honor.

15 CHAIRMAN GUERRA: All right.

16 UNIDENTIFIED MALE: Page 2, under Patrick  
17 Christensen. About halfway down where it says "the  
18 church has been non-conforming until recently"; is that  
19 correct or have they been conforming until recently?

20 UNIDENTIFIED MALE: Probably be conforming.

21 UNIDENTIFIED MALE: Right. Because they were  
22 in a --

23 UNIDENTIFIED FEMALE: They were conforming  
24 until --

25 UNIDENTIFIED MALE: Until recently.

1 CHAIRMAN GUERRA: Right.

2 UNIDENTIFIED MALE: So, the non is --

3 UNIDENTIFIED FEMALE: -- they came in  
4 non-compliance.

5 CHAIRMAN GUERRA: Right.

6 UNIDENTIFIED FEMALE: Yes, sir, we'll need to  
7 change that to conforming.

8 CHAIRMAN GUERRA: Okay.

9 UNIDENTIFIED MALE: Okay. On page 4,  
10 "Commissioner Biever noted that he had explained he had  
11 worked." The first "noted that he had" maybe needs to  
12 be struck.

13 UNIDENTIFIED FEMALE: Yes, sir, we'll make that  
14 correction.

15 UNIDENTIFIED MALE: "Mr. Biever explained that  
16 he had worked with" would be the correct. Okay. And  
17 tree preservation, the last paragraph, the last  
18 sentence. "The commission agreed that trees could be  
19 cut on property without a permit as long as two trees  
20 remain, minimum, was met and the property was not clear  
21 cut of a large number of trees." Is that really what  
22 we decided? I thought we had to have some more trees  
23 than two.

24 UNIDENTIFIED FEMALE: No, I think it's just  
25 two.

1 CHAIRMAN GUERRA: No, I know we -- we agreed  
2 that that's the bear minimum, but that -- and I  
3 think -- when I first read it, I had the same thought  
4 that maybe it was a little ambiguous and I wish -- I  
5 wish Christi were here so that she could, you know, go  
6 over some of our discussion; but I thought we were a  
7 little more specific about what we did to amend the  
8 tree ordinance and the intent was to not allow clear  
9 cut, you know.

10 UNIDENTIFIED MALE: Okay. Do we have a  
11 definition of what clear cutting is? I mean, I have  
12 the land and you're coming out to tell me I'm clear  
13 cutting and I say I'm not. So, what do we do?

14 CHAIRMAN GUERRA: Yeah. Right.

15 UNIDENTIFIED FEMALE: We had a definition that  
16 it meant cutting everything. Everything down.

17 CHAIRMAN GUERRA: Yeah, but there is some -- in  
18 my mind, some ambiguity to that last -- to that  
19 sentence that you read and I -- it doesn't -- the way  
20 it's stated doesn't -- to me doesn't come across as how  
21 we -- how we had our discussion.

22 UNIDENTIFIED MALE: Right.

23 CHAIRMAN GUERRA: So, maybe if you could listen  
24 to the minutes of that meeting and listen to our  
25 discussion, you might be able to clarify that.

1 UNIDENTIFIED FEMALE: Okay. And if you see  
2 down on your agenda the items that have been approved  
3 by City Council and some of the issues that you just  
4 alluded to were handled in the City Council meeting.  
5 So, they did look at that definition and came back with  
6 -- with one that was appropriate. So, what I would  
7 like to do is to bring before the commissioners maybe  
8 at the next meeting, you know, the results of that  
9 ordinance and how that was tweaked in order to meet the  
10 need; but I think it handles all those problems. The  
11 ambiguity in that sentence can be changed to clear it  
12 up --

13 CHAIRMAN GUERRA: Okay.

14 UNIDENTIFIED FEMALE: -- but I think it's very  
15 clear in the ordinance. Rather than belabor it here --

16 CHAIRMAN GUERRA: Sure.

17 UNIDENTIFIED FEMALE: -- what I'd like to do --  
18 it's already been approved by City Council.

19 CHAIRMAN GUERRA: Right.

20 UNIDENTIFIED FEMALE: So, what we'd want to do  
21 is just bring it back to review it for you.

22 CHAIRMAN GUERRA: Okay.

23 UNIDENTIFIED MALE: That's all I have, sir.

24 CHAIRMAN GUERRA: All right. Does anybody else  
25 have any additions or changes? Do I hear a motion?

1 UNIDENTIFIED MALE: Make a motion to approve  
2 the minutes as corrected.

3 UNIDENTIFIED MALE: Second.

4 CHAIRMAN GUERRA: The motion and second is for  
5 approval of the minutes of January 22nd, 2008. All  
6 those in favor say aye.

7 (In unison aye.)

8 CHAIRMAN GUERRA: Opposed? Motion passes.  
9 Item number 3, which is introduction of our development  
10 services director. Of course we've been speaking with  
11 her. I don't know if everybody has had the chance to  
12 meet Amy. I knew Amy before she came here because in  
13 her capacity at the City of Schertz I worked with her  
14 when I was with the Alamo Area Council of Governments.  
15 She comes well qualified for the position she's taken  
16 and I'm looking forward to all the help she can give  
17 the City of Leon Valley. So, with that, I'll turn it  
18 over to Amy and have you make comments and --

19 MS. MADISON: Well, I'm really excited to be at  
20 the City of Leon Valley. Obviously, you all have had a  
21 wonderful history and certainly have a great future.  
22 I've been working as -- we'll get into more of the  
23 staffing issue later; but my title is the development  
24 services director and in that regard I handle oversight  
25 of the planning department, which includes inspections



1 and animal control and court enforcement, of course, as  
2 well as the economic development side of things as the  
3 City defines that, which includes like your convention  
4 and visitor bureau which oversees the community  
5 facilities. The community center as well as the  
6 conference center. And in addition to that economic  
7 development and of course that's a real major focus.  
8 Your council has identified it as their number one item  
9 in their strategic plan and given the siege that we're  
10 enduring with all the TxDOT improvements, we have a lot  
11 of work to do and certainly I'm glad to be here and on  
12 behalf of the staff we are very pleased to have such  
13 wonderful folks and your commission is spoken very  
14 highly of. Our staff has really enjoyed working with  
15 you and I know I will as well and I actually wasn't  
16 planning for this to be my first meeting to run. I was  
17 actually going to watch and see how the experts  
18 actually handle it and Christi's two children are ill  
19 this evening and I sent her home today and said you  
20 need to go take care of them and we'll handle this  
21 ship. I'm sure it won't sink with Claude here. So --  
22 so, anyway, I'm looking forward to working with all of  
23 you. If you ever have a question or need to talk to me  
24 I can be reached at the Kinman House. My number there  
25 is 521-2007, extension 3. That's 521-2007, extension

1 3. And my cell phone, please don't hesitate to call  
2 that as well and that is 831-5420. So, should you have  
3 any questions or just want to chitchat or have an idea  
4 that you want to see coming forward in the city, please  
5 give me a call. I certainly do want to commend my  
6 staff. They're doing a fine job and Christi has just  
7 been enormously helpful in getting me on board and at  
8 the same time transitioning herself and she's really  
9 blooming. She's doing a great job for your city.  
10 Thank you.

11 CHAIRMAN GUERRA: Thank you, Amy.

12 UNIDENTIFIED MALE: Welcome aboard.

13 MS. MADISON: Thank you.

14 CHAIRMAN GUERRA: Lanny.

15 MR. LAMBERT: Well, I'd like to point out  
16 something. I did the background check on Amy when we  
17 hired her. I've been seeing Amy for 30 years. I've  
18 probably hired (inaudible) and I got the best  
19 recommendation on her that I've ever gotten on any  
20 employee I've ever hired.

21 UNIDENTIFIED MALE: Wow.

22 MR. LAMBERT: I called the city manager of  
23 Schertz, a good friend of mine, to ask him about Amy  
24 and he told me that everything positive that had  
25 happened in Schertz has happened because of her, for

1 the last five years; and I thought that was the best  
2 recommendation I had ever received. I don't know if  
3 you know that or not, but I wanted the board to know  
4 that she comes highly --

5 MS. MADISON: (Inaudible).

6 MR. LAMBERT: -- she comes highly recommended.  
7 Now, whether she can fulfill that recommendation, I  
8 have no idea.

9 MS. MADISON: He's just glad to see me gone out  
10 of the City of Schertz.

11 MR. LAMBERT: That's another issue.

12 CHAIRMAN GUERRA: Thank you, Lanny. That's  
13 great. Our next item is item 4, which is the continued  
14 discussions of zoning case 08-380, which was postponed  
15 from January the 22nd. A request by Patrick  
16 Christensen, agent for the applicant, Goldstar Trust  
17 Company, to rezone approximately 3.803 acres of land  
18 from B-2, retail, to B-3 commercial at 6401 Bandera  
19 Road. Staff.

20 MS. MADISON: Okay. I think I'm going to get  
21 this thing right. This evening we are looking at  
22 zoning case number 08-380. This is a request and  
23 location. The request is made by Patrick Christensen.  
24 He is an agent for Goldstar Trust Company, obviously.  
25 You guys already know this. We had this before you

1 last month. It's to rezone the 3.803 acres from B-2  
2 retail to B-2 commercial. It's located at 6401 Bandera  
3 Road, being lot 4CB4429J, Seneca Estates unit 7. This  
4 shows you just a little bit of the location. As you  
5 can see, Bandera Road -- it fronts on Bandera Road. We  
6 have some R-1 to the north. We have townhomes below  
7 it. Seneca Estates is right there. The background on  
8 this particular zoning case. In 1963 it was the site  
9 of the Seneca Country Club. Did any -- I just wanted  
10 to ask if anybody was a member of that club. Okay. I  
11 just was curious. In 1969 the property was zoned R-1  
12 to B-2. In 1996 the SUP was obtained for operating it  
13 as the Church on the Rock. In 1998 an SUP was obtained  
14 for operating a school and in 2006 an SUP for a  
15 childcare facility. The 2003 master plan regarding  
16 1BCC Bandera Road south corridor. If I may, Chairman,  
17 could you explain what the 1BCC means for the rest of  
18 the folks? Is that just identifying the actual  
19 paragraph? I didn't have time to check that before the  
20 meeting.

21 CHAIRMAN GUERRA: Within the master plan that's  
22 the way that particular corridor is --

23 MS. MADISON: Identified. Okay. I just wanted  
24 for the purposes of the audience and myself. I'm still  
25 learning. Addresses the area in general. Encouraging

1 B-2 retail to a depth of 200 feet along Bandera Road  
2 and it discourages rezoning to B-3 commercial. Again,  
3 here is the zoning map. It kind of shows the location  
4 of the area and talks -- and shows, you know, the  
5 zoning as well. Staff comments. The city attorney  
6 reviewed restricted covenants and advised staff that  
7 the covenants are not enforceable by the City and the  
8 attorney also noted that a variance or special  
9 exception from the board of adjustment would not be  
10 applicable to this zoning use and our attorney is with  
11 us this evening, Frank Onion. The B-2 district is -- I  
12 had asked Christi to do this, put this into the slide  
13 presentation, because I wanted the audience, as well as  
14 the commission, to be reminded of how they defined both  
15 B-2 and B-3 in the zoning ordinance. The B-2 district  
16 is composed of land and structures occupied by or  
17 suitable for the furnishing of retail goods and  
18 services to surrounding residential areas. B-2  
19 district is intended to allow a limited amount of  
20 outside storage of retail merchandise and district  
21 regulations are designed to promote the offering of  
22 goods and services which are appropriate for the  
23 surrounding business districts and protect the  
24 surrounding residential districts by requiring certain  
25 minimum yard and area standards to be met. In B-3,

1 basically, it is composed of land and structures used  
2 to furnish commercial needs, wholesale services and  
3 some light assembling of goods in addition to most of  
4 the uses found in the B-2 district. The B-3 district  
5 is intended to allow some regulated outside storage of  
6 merchandise and regulations are designed to permit the  
7 development of districts for the purpose of providing  
8 commercial and wholesale uses and protect surrounding  
9 and abutting areas by requiring certain minimum yard  
10 and area standards be met. The considerations. Is the  
11 request consistent and compatible with the master plan  
12 of 2003 with site zoning, with surrounding zoning  
13 and/or land uses. Second, does the request protect the  
14 health, safety and welfare of the general public; and,  
15 finally, does the request protect and preserve the  
16 property rights of the owners of all real property  
17 affected by the proposed zoning change. And the  
18 commission is well aware that these are the  
19 considerations we're looking at this evening. We did  
20 send out 25 letters. Of those, zero received in favor.  
21 We did receive 11 in opposition. Two were duplicates.  
22 We had zero returned undeliverable and we had 34  
23 letters outside the 200 foot radius. As far as  
24 questions are concerned, we have -- you can ask any  
25 questions you like of staff and the agent is here this



1 evening, Patrick Christensen, representing the  
2 petitioner.

3 CHAIRMAN GUERRA: Thank you, Amy. Let me open  
4 up the public hearing on this case and, Mr.  
5 Christensen, would you care to make comments.

6 MR. CHRISTENSEN: Patrick Christensen of Brown,  
7 PC, 112 East Pecan, Suite 1490. Let me begin by saying  
8 I thank you and we appreciate you granting the  
9 continuance at the last meeting to allow us to explore  
10 some possibilities on this case. As you recall, the  
11 last time a number of citizens of Leon Valley spoke in  
12 opposition to the B-3 zoning; but they weren't opposed  
13 to there being a church there and I had offered to  
14 record some deed restrictions restricting out all the  
15 bad B-3 uses and I put "bad" in quotes there because  
16 that was what people had problems with. I did record  
17 those deed restrictions. I did send them to the city  
18 manager and to the city attorney. They restrict out  
19 every possible B-3 use except for the churches. Now, I  
20 realize that the City of Leon Valley cannot enforce  
21 these deed restrictions. If I could, I would have  
22 tried to negotiate something with the City of Leon  
23 Valley; but that's considered contract zoning and  
24 cities cannot do that. That's why I -- the enforcing  
25 part of these deed restrictions is basically we went to

1 the Bexar Appraisal District and found every property  
2 within a quarter mile radius of this property. If the  
3 zoning case is approved by the City Council and we get  
4 the B-3 zoning, if anyone in the future buys the  
5 property and wants to change that zoning, they have to  
6 come and get 51 percent of those owners of those  
7 properties within a quarter mile of this property to  
8 vote to change that; and let me tell you, people hire  
9 me to try to change deed restrictions all the time.  
10 That's -- getting 51 percent of people to agree to that  
11 is just impossible. For something that they probably  
12 wouldn't want at that property anyways. And that's  
13 kind of where we are today. You know, I represent the  
14 owners of the property. They had to foreclose on the  
15 previous church that was operating there. They did not  
16 get a non-conforming use application in time, within  
17 the six months, because they had to get a new church to  
18 go in there and have not been able to locate one except  
19 for Pastor Crane who is here today and who will speak  
20 after me. As the representative of the property  
21 owners, you know, we're in the unenviable situation of  
22 being -- owning a church building and not being allowed  
23 to operate a church in the building and that's why  
24 we're here today. You know, we recorded these deed  
25 restrictions, the City Council approves the zone



1 change, the only new use we're getting is the church  
2 use. Now, I know there's always the answer, well,  
3 these people are not -- you know, have the resources to  
4 hire an attorney, if someone were to come in there and  
5 try to do some kind of a use that was a violation of  
6 these deed restrictions. The real hammer on these  
7 things is that this is not an inexpensive property.  
8 Whoever buys this property is going to have to go  
9 through a bank to get some kind of financing. Every  
10 bank, upon financing a property, requires a title  
11 search and these deed restrictions run with the land no  
12 matter who owns them; and that bank is going to see --  
13 if somebody wanted to do, let's say, an auto shop,  
14 which is restricted by these deed restrictions. If  
15 somebody wanted to put a Brake Check there, the bank is  
16 going to say, "We can't finance this property for a  
17 Brake Check because you can't do that. There's deed  
18 restrictions here. If you want to do that, you want  
19 your financing, go amend those deed restrictions."  
20 That's really the hammer on these types of documents.  
21 I'd be happy to answer any questions you have. Like I  
22 said, we're just trying to operate a church out of our  
23 church building. Thank you.

24 CHAIRMAN GUERRA: Any questions? Lanny.

25 MR. LAMBERT: Sir, what about if you went to

1 somebody who -- say a hard money lender or something.  
2 Wouldn't be any restrictions on the lending; right?

3 MR. CHRISTENSEN: Yeah, that's true. If  
4 somebody came in, had cash, wanted to buy the property,  
5 then it wouldn't be up to the property owners to try to  
6 enforce those. The deed restrictions do provide that a  
7 prevailing party is entitled to their attorney's fees.  
8 So, if somebody was in clear violation of the deed  
9 restrictions, if another property owner in this quarter  
10 mile area filed suit against that, they would probably  
11 prevail and they would be entitled to their attorney's  
12 fees.

13 MR. LAMBERT: But they would still have to take  
14 it upon themselves to file.

15 MR. CHRISTENSEN: They would still have to take  
16 it upon themselves to file suit, that's correct. If  
17 there's some way I could fix that, I would. I can't.

18 MR. LAMBERT: It's in the law already; right?

19 CHAIRMAN GUERRA: Any other questions? Pastor,  
20 would you like to make any comments?

21 PASTOR CRANE: There was a situation happening  
22 in Texas, I'm sure you may have heard about it, where  
23 Las Vegas casinos are contacting the horse tracks and  
24 they're trying to make deals and some congressmen --  
25 state congressmen are, you know, trying to have cities

1 on the coast that are going to be gamble friendly.  
2 Like if you've been to Louisiana or Mississippi, you  
3 might be familiar with this. Our church has decided  
4 that we're going to write the congress people to try to  
5 stop that because we just don't -- you know, we don't  
6 feel comfortable. Not just because of a vice reason;  
7 but it's been proven by study after study that bringing  
8 gambling into a community doesn't make anybody money.  
9 It's low wage jobs and it actually causes what's called  
10 external expenses because you have divorce rates  
11 increase, you have child care rates increase, you have  
12 organized crime. Maybe not on the, you know, Corleone  
13 family scale; but, you know, just a lot of bad things  
14 go in to bringing in an institution like that. What  
15 I'd like to say is it has been proven that a vibrant  
16 church helps the economy of a city. Now, the last  
17 thing I want to do -- and please don't hear me  
18 threatening because we don't have any finances to back  
19 this up; but I just have been listening to the company  
20 that employs Mr. Christensen. When you bring in a  
21 church, it does positive things for a community. The  
22 church that was in there before, I knew a little bit  
23 about the situation. There was an adulterous affair,  
24 there were financial things going on. I mean, things  
25 like that happen in business; things like that happen

1 in churches as well, sad to say. The thing that we're  
2 looking at here is the assumption that somehow when we  
3 go in there, what's going to happen if or when we fail.  
4 I would like to state for the record that if and when  
5 we could have failed, we would have failed prior to  
6 this. We have been in existence for seven years. We  
7 have strong enough financial statements that have  
8 been -- are going to be audited by the company that's  
9 going to be loaning us the money that I'm sure you  
10 could have copies of. Where we can afford to pay the  
11 price. And I'd also like to tell the residents that  
12 you guys have made some suggestions, you know, in the  
13 hallway that -- can you do anything to beautify this  
14 building, because it is not the most attractive  
15 building to look at, as many of our church people have  
16 told me. So, what we've done is we have secured almost  
17 \$400,000.00 on top of our purchase price for simply the  
18 beautification of that area. We have. We're going to  
19 put architects, people of that nature, involved in this  
20 so it's just not kind of a big cement snow thing that I  
21 used to buy. Those pink ones. What are those?

22 UNIDENTIFIED MALE: Snow cone.

23 UNIDENTIFIED FEMALE: Snow balls.

24 PASTOR CRANE: Snow ball. You know, kind of a  
25 big cement thing. So, we're serious about going in

1 there and beautifying the community and I would also  
2 like to say that by bringing -- by allowing our church  
3 to be in there, it just -- I want to come into Leon  
4 Valley in a positive note. I don't want to come in  
5 bending anybody's arms and, you know, after a long,  
6 drawn-out situation. I want to make sure that we  
7 benefit you guys and we can do positive things for the  
8 community because we've been involved in this community  
9 for several years by some of the things that we've done  
10 anyway. We just want to take a more -- a more personal  
11 approach to this and we want to come in on a positive  
12 note, knowing how we can be of benefit to the community  
13 and how the community can benefit by having us here.  
14 Does anyone have any questions for me?

15 CHAIRMAN GUERRA: Any questions? Thank you,  
16 sir. We had one person who signed up to speak. Elsie  
17 Buchanan. If you didn't get the chance to sign up, you  
18 will be allowed to speak. Ms. Buchanan.

19 MS. BUCHANAN: Yes. I live right across the  
20 street at 6232 Rue Marielyne. I have absolutely no  
21 objection to a church going in there. However,  
22 churches fail. Church on the Rock didn't go in there  
23 with the intention of failing and my greatest concern  
24 and that of my neighbors is if that one goes belly up,  
25 then it just opens the door for everything else to come

1 in there that's on the B-3 list. I do not know all of  
2 the things that are on the B-2 list. What -- you know,  
3 what are some of the things that can go there. Oh,  
4 very good.

5 MS. MADISON: A bunch.

6 MS. BUCHANAN: A bunch, yes; but it's not as  
7 bad as it could be. Well, there are lots of things  
8 that we don't want to go in there that the B-3  
9 classification would allow. So, I implore you to let  
10 the church go in on a B-2, but keep it -- don't make it  
11 commercial, please. All of my neighbors -- there's  
12 quite a few of them here -- feel the same way or they  
13 wouldn't have signed that paper. I had better than 32  
14 or 34 signatures on that and they were not within the  
15 200. I know that. But I walked to every home to get  
16 those signatures and they were all willing to sign  
17 their name to it for reasons of one thing or another.  
18 They're not here tonight to speak, but I ask you to  
19 please keep it a B-2. That's all.

20 CHAIRMAN GUERRA: Thank you, ma'am. Would  
21 anyone else care to speak? Yes, ma'am.

22 MS. UPTAIN: I am Mary Frances Uptain. I live  
23 at 6101 Sawyer Road in Leon Valley. I'm going to turn  
24 this because we've all been directly to you all,  
25 ignoring the group. I live in the oldest residentials



1 on the oldest first residential street in all of Leon  
2 Valley. Heaven help what has happened to my street. I  
3 had to idea what we were getting into. I was being  
4 told that this would be a B-3 and open up to all of the  
5 B-3 things that could happen; but I'm supposed to be an  
6 economist from St. Mary's University. Second or first  
7 or something like that, woman ever to get a master's  
8 with all sorts of little things, you know; and I'm  
9 supposed to know what I talk about, but I'm retired so  
10 nobody pays any attention to you when you're old and  
11 you're retired. But I can tell you people this much.  
12 We are a land-locked community. We have 40, 50, 70  
13 churches in Leon Valley and if you do a survey, you'll  
14 find out that there's 10 people here and there's 14  
15 people over there and there's 11 over there. Now, I  
16 live adjacent to a Buddhist community and sometimes we  
17 have 90 to 100 priests -- they're monks -- there and  
18 sometimes we have 300 people because of parties and  
19 birthdays. I love my Buddhist neighbors. They feed me  
20 if I'm not hungry. They give me water when I'm not  
21 thirsty. They are the most wonderful neighbors I could  
22 have. So, I'm not knocking these churches. I'm saying  
23 we are a land-locked community, we are limited in space  
24 and we are being devoured by churches, Northside School  
25 District and non-tax paying entities. Churches -- and

1 most people do not realize this. Aside from not paying  
2 taxes on the property, they don't pay taxes on  
3 anything. Anything. Lawn mowers, whatever. So, they  
4 do not contribute greatly to our community. They do  
5 not contribute to our community in that very few people  
6 who attend these churches I find even live here. And I  
7 am very, very weary of supporting other people's  
8 religion with my taxes and I think that if we  
9 God-fearing people can't find a church that exists, we  
10 simply must get a control on the use of our land. That  
11 is not to say open it up where you have to -- you know,  
12 whatever; but we must get control of our land use and  
13 just because seven or 10 or 20 people want to put in a  
14 church with no idea who's paying the taxes to support  
15 the police and fire department of those facilities. We  
16 are. The people that live here. They're paying the  
17 taxes. Now, this church is coming from somewhere. Why  
18 can they not stay where they are. If they have  
19 outgrown their facility, enlarge it. If they like us  
20 because the church that's over there by the post  
21 office, I said to them when I was taking pictures on  
22 the day they were establishing, I said, "Why did you  
23 come here"; and they said because you have Huebner Road  
24 from Interstate 10 and you've got 410 and Bandera Road  
25 and we're going to get them all coming both ways. You



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1 go there and if you find 15 people, they must be having  
2 free food. So, I mean, let's look at this  
3 realistically. We, the consumers, the taxpayers of  
4 Leon Valley, are hard bent to keep this up and there's  
5 no end to churches. I have yet to see a church in Leon  
6 Valley come to my house and say you are a widow, is  
7 there anything we can do to help you. I'm not saying  
8 that about the Buddhist, though, because they do. I  
9 get a call in the morning, "Check your gate, I have  
10 something for you"; and there'll be croissants and  
11 cheese and hams and food because they want to give me a  
12 token because they appreciate me. I'm here. They know  
13 me. I have yet to see the church people come down the  
14 street and say, "Would you please come to my church, we  
15 want to help you. We want to do something." A  
16 politician. Now, the Jehovah Witnesses come, but they  
17 don't live in Leon Valley. The church people in Leon  
18 Valley don't go to church in Leon Valley. I'm  
19 suggesting that Leon Valley get realistic and look to  
20 the dollars and cents of it. Now, we've already got  
21 the Onion property. We took that off the taxes.  
22 Northside School District is gobbling us up. We can't  
23 touch that. If y'all have nothing to do, drive down  
24 Grissom Road real just slow and see how much we've lost  
25 to Northside. I thank you for your time. I could talk

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1 all night about this. This is a real passion to me.  
2 It really is. Because I see this community starving  
3 for lack of property taxes because we're so interested.  
4 Now, you find me a church that's willing to say, "Okay,  
5 we'll pay the property taxes on this as though it were  
6 a commercial property." They don't do it.

7 CHAIRMAN GUERRA: Thank you, ma'am.

8 MS. UPTAIN: Thank you.

9 CHAIRMAN GUERRA: Is there anyone else who did  
10 not sign up and wishes to speak? No one else? Is  
11 there anyone on the commission who has a question of  
12 the proponent? If not, I will --

13 UNIDENTIFIED MALE: I have a question about the  
14 owner of the property. It's Goldstar Trust; is that  
15 correct?

16 CHAIRMAN GUERRA: Mr. Christensen.

17 MR. CHRISTENSEN: Excuse me.

18 UNIDENTIFIED MALE: The owner of the property  
19 is Goldstar Trust?

20 MR. CHRISTENSEN: Yes, sir, that is correct.

21 UNIDENTIFIED MALE: Okay. Who is Holman Bank?  
22 Or excuse me. Happy State Bank.

23 MR. CHRISTENSEN: Where are you seeing that,  
24 sir?

25 UNIDENTIFIED MALE: On the BCAD page. At the

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1 bottom it says the deed date, foreclosure, has Church  
2 of the Rock and it has a grantee, Happy State Bank.  
3 This is on the BCAD web page.

4 MR. CHRISTENSEN: Is that -- that was on the  
5 Bexar Appraisal District records for the property? I'm  
6 not sure what document you're --

7 UNIDENTIFIED MALE: Are they out of the picture  
8 now or are they in the middle of the picture?

9 MR. CHRISTENSEN: Yeah, that might have been --  
10 you know, Goldstar might have been holding the trust  
11 for Happy State Bank that foreclosed -- you know, I  
12 don't know exact history of the financial transaction.  
13 There was a church there that was foreclosed upon.  
14 They may have had a note under a deed of trust with  
15 Goldstar to Happy State Bank. I'm not sure.

16 UNIDENTIFIED MALE: I pulled this up off the  
17 web.

18 MR. CHRISTENSEN: Oh, okay.

19 CHAIRMAN GUERRA: Thank you.

20 MR. CHRISTENSEN: Goldstar Trust is the trust.  
21 They hired me to get on the property. Otherwise they  
22 wouldn't be paying for me to come down here. Thanks.

23 UNIDENTIFIED MALE: That's all.

24 CHAIRMAN GUERRA: If there are no other  
25 questions, I will close the public hearing.

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1 Discussion, comments?

2 UNIDENTIFIED FEMALE: It's only been recently  
3 that we, ourselves, talked about the fact that we have  
4 the churches, Northside, all this non-tax paying and  
5 that we are reaching any kind of an economic crisis  
6 here and for that reason we -- for that reason we  
7 disallowed the -- the churches anywhere except B-3.  
8 So -- because they were every -- every little strip  
9 center everywhere was having a church plus we had a --  
10 and it's very hard to deny somebody coming in who's  
11 buying property and trying to build a church, just as  
12 we can't deny Northside. All the -- all the things  
13 that were brought up here we had discussed before we  
14 made that change and I personally feel that those  
15 arguments -- we have nothing against churches; but it  
16 is the zone -- I mean, which, you know, it's not ours  
17 to discuss anyway, it's about zoning; and if we are  
18 going -- I mean, if we -- I feel very strongly that if  
19 we change this to commercial, this little strip, we are  
20 just, you know, opening up the flood gates. Every  
21 church that's going to want to come in anywhere is  
22 going to come before us and say change this; and,  
23 again, most of these uses we -- we don't want there. I  
24 would wish the best of luck to this church group trying  
25 to find a place suitable for their congregation; but I

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1 personally do not -- I think that this is not in the  
2 best interest of the whole city. Certainly not in the  
3 best interest of the business community.

4 CHAIRMAN GUERRA: Thank you. Anyone else.

5 UNIDENTIFIED MALE: I have a question for the  
6 attorney -- city attorney.

7 CHAIRMAN GUERRA: Go ahead.

8 UNIDENTIFIED MALE: What -- put on your crystal  
9 ball for a second. If we change this and allow this to  
10 happen, what can be the consequences for the City  
11 changing it back to B-3 in the future when somebody  
12 else comes in and wants to do the same thing? Will we  
13 have a leg to stand on?

14 MR. ONION: I'm sorry. I don't understand.

15 UNIDENTIFIED MALE: If we change it to B-3 --

16 MR. ONION: Back to B-3 when it's never been  
17 B-3.

18 UNIDENTIFIED MALE: No, B-2.

19 UNIDENTIFIED MALE: B-2.

20 UNIDENTIFIED MALE: Okay. B-2. It's in B-2  
21 zoning now; right?

22 MR. ONION: Correct.

23 UNIDENTIFIED MALE: Okay. And we're asking for  
24 a church in B-3?

25 UNIDENTIFIED FEMALE: No, in commercial.

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1 UNIDENTIFIED MALE: That changed the zoning.

2 UNIDENTIFIED MALE: It changed the zoning to  
3 B-3.

4 UNIDENTIFIED MALE: To B-3. Right. Okay. If  
5 we did this -- excuse me. I got you confused. If we  
6 did this and somebody else come in and wanted to do the  
7 same thing, we're going against our master plan if we  
8 made that decision in favor of the church; right?

9 MR. ONION: That's correct.

10 UNIDENTIFIED MALE: And what leg would we have  
11 to stand on in the future if somebody else came down  
12 and wanted to do the same thing?

13 MR. ONION: It would obviously be some sort of  
14 precedent. You wouldn't be bound by it, but if there  
15 was ever a lawsuit, you know, that would be brought up  
16 that the city said one thing in this area, then they  
17 changed when another applicant comes in and then your  
18 basis for it would be subject to review by the court as  
19 to whether or not you were consistent throughout with  
20 your master plan. You don't have to follow your master  
21 plan, as you well know. It's only a mere  
22 recommendation, but as it's been pointed out before by  
23 Ms. Baird, that all these issues were thought about  
24 when y'all came up with the master plan and reviewed.

25 UNIDENTIFIED MALE: So, what happens to the



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1 master plan then? Are we sort of skewing it a little  
2 bit or are we just saying this is different from the  
3 master plan and we're going to go with this.

4 MR. ONION: You have the ability to recommend  
5 to the City Council to change -- to make a change; but  
6 it would be against the master plan. Yeah, like I  
7 said, the master plan --

8 UNIDENTIFIED FEMALE: Is a guide.

9 MR. ONION: -- suggested and it's the proposed  
10 growth for the city. However, it's not set in stone.  
11 If it was, there wouldn't be any reason for this  
12 commission.

13 UNIDENTIFIED MALE: Okay. Thank you, sir.

14 CHAIRMAN GUERRA: Any other comments?

15 UNIDENTIFIED MALE: The only comment I have is  
16 that -- I have several, but one is I think I have to  
17 agree with Ms. Baird that, you know, we worked very  
18 long and very hard and took in -- a lot of things into  
19 consideration when we made some of the recommendations  
20 about the zoning changes and we didn't do this lightly;  
21 and I think based on that my feeling is that we have to  
22 stick with the current zoning. That's my reaction. On  
23 the flip side of it, though, I also see a precedent has  
24 been set for the use of that property and in some ways  
25 it's being penalized, you know, because they -- if the

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1 Church on the Rock originally had, you know, con --  
2 they needed to take some step. I forget what it was,  
3 but they didn't and they could have continued and we  
4 wouldn't even be here discussing it today. They would  
5 have had the variance. So, there is some precedent set  
6 for the property already and so I think in -- you know,  
7 in keeping with -- with that, you know, the City is in  
8 a pretty good position, in my estimation, as far as  
9 protecting itself from, you know, any other group that  
10 would come in and want to make some changes; but, you  
11 know, I -- the thing that scares me is that this  
12 property could then be used in -- for something else  
13 along the way and we would have nothing to say about it  
14 if it's zoned to commercial. So, my leaning very  
15 definitely is keep it the way it is. The current.  
16 What we changed the zoning to. That's my leaning right  
17 now.

18 CHAIRMAN GUERRA: Anyone else?

19 UNIDENTIFIED FEMALE: I had a question since I  
20 missed the discussion. I read the minutes. About this  
21 non-conforming use rights and it had lapsed. So, it  
22 was --

23 CHAIRMAN GUERRA: Right.

24 UNIDENTIFIED FEMALE: -- the SUP that they had  
25 gotten before or how did they get the non-conforming --



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1 UNIDENTIFIED FEMALE: I don't know.

2 CHAIRMAN GUERRA: I don't know if Christi  
3 briefed you on that or not.

4 MS. MADISON: I don't want to lead you astray,  
5 but I think the chain of events was that you had your  
6 master plan, that you came in and the area was zoned  
7 B-2. Changed the zoning ordinance in November, 2006 I  
8 believe.

9 UNIDENTIFIED MALE: Right.

10 MS. MADISON: The church came in to  
11 non-compliance in July, 2007 and it became in compli --  
12 I mean, they came --

13 UNIDENTIFIED MALE: Out of compliance.

14 MS. MADISON: -- out of compliance or  
15 whatever --

16 UNIDENTIFIED MALE: Six months --

17 MS. MADISON: -- because of the fact -- there's  
18 two factors, basically, that caused them to go into  
19 non-compliance and one is -- and help me here, Frank,  
20 if I don't get this right -- but one has to do with the  
21 change of the use of the building. If they're a  
22 non-conforming use, they are grandfathered as long as  
23 they maintain that use or they change ownership. Those  
24 are the two defining factors. If it changes hands,  
25 changes ownership, or if the use changes, then they go

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1 into non-compliance and it is revoked. So, they're  
2 grandfathered as long as they use that same use or they  
3 do not change the ownership. And as I understand it,  
4 the ownership changed because they became in default  
5 and then a new company owned them. So, that's how they  
6 became -- then the new company then had to come back  
7 and apply for whatever and by that time the zoning  
8 ordinance had been changed. Of course your master plan  
9 was done in 2003. So, that would be my answer.

10 UNIDENTIFIED FEMALE: Okay. Thank you.

11 CHAIRMAN GUERRA: Hal, did you have a question?

12 MR. BURNSIDE: I don't want to belabor the  
13 point, but I -- we did hold a lot of discussion  
14 about -- about the issue concerning the economic  
15 viability of the community and the impact on property  
16 that was not taxable and churches being one of those  
17 categories; and I think everybody understands we are  
18 certainly by no means anti-church. We -- as has been  
19 stated before, there are many churches within the city.  
20 What we felt as a body we needed to do in our capacity  
21 as commissioners and making recommendations to the  
22 council, that we needed to begin to address the issue  
23 of how do we keep the community as economically viable  
24 as possible, at the same time allowing for property  
25 within the city to be used by churches; and so while

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1 before, if I'm correct and if I'm not somebody, you  
2 know, say so, I believe the churches were allowed just  
3 about anywhere.

4 MS. MADISON: That's correct.

5 MR. BURNSIDE: And we felt that in certain  
6 instances, such as right there on Bandera Road. I  
7 mean, to me, that is where you put your business.  
8 That's where you begin to concentrate your economic  
9 development resources and the use of property that  
10 prime in an economic corridor for something other than  
11 economic development, I believe in our case, as has  
12 been pointed out, we are land locked. We cannot expand  
13 and bring in. So, we have to really be real careful  
14 about the resources we have and how we use them; and so  
15 we didn't make our decision and our recommendations  
16 lightly. It was with a lot of consideration and a lot  
17 of thought and so that's why the recommendation to  
18 locate churches in a B-3 was made.

19 UNIDENTIFIED FEMALE: It's not just churches,  
20 if I'm correct. It's anyplace where there is a  
21 gathering of people.

22 UNIDENTIFIED FEMALE: No.

23 UNIDENTIFIED FEMALE: I thought it was.

24 UNIDENTIFIED MALE: I think -- well, I know we  
25 discussed it as churches. I don't know how --

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1 UNIDENTIFIED FEMALE: Well, we can't just do  
2 that against the churches.

3 UNIDENTIFIED FEMALE: She's correct. The  
4 intent -- and I don't have all the research in front of  
5 me, but the intent was that for places of gathering or  
6 for assembly was in B-3.

7 UNIDENTIFIED MALE: Okay. All right.

8 UNIDENTIFIED FEMALE: And that was part of the  
9 reasoning behind the rezoning.

10 UNIDENTIFIED FEMALE: Yes.

11 UNIDENTIFIED FEMALE: I mean that different  
12 zoning.

13 UNIDENTIFIED MALE: It's just not churches.

14 UNIDENTIFIED FEMALE: It's not just churches  
15 because --

16 UNIDENTIFIED MALE: It's gatherings.

17 UNIDENTIFIED FEMALE: -- it's gatherings of  
18 people.

19 UNIDENTIFIED FEMALE: Assemblyings.

20 UNIDENTIFIED FEMALE: Yep, yep, yep.

21 UNIDENTIFIED FEMALE: Or non-commercial --  
22 non-business purposes.

23 UNIDENTIFIED FEMALE: Okay.

24 CHAIRMAN GUERRA: A motion, if there's no  
25 further discussion, unless someone else has something

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1 else.

2 MS. BAIRD: Well, in zoning case 08-380 we are  
3 now considering, I would move that we recommend to the  
4 City Council that this request be denied for this  
5 zoning change and that it remain just as it is now,  
6 B-2; and it not be changed to B-3 and allow commercial  
7 anything in there and I believe that that is -- I think  
8 it will protect and preserve the property rights of --  
9 of real property owners, of other businesses along that  
10 corridor, as well as residents in that area and I -- I  
11 certainly think -- know that it is consistent and  
12 compatible with the master plan and with the  
13 surrounding zoning and those would be my reasons for  
14 making that recommendation.

15 UNIDENTIFIED MALE: And I'll second the motion.

16 CHAIRMAN GUERRA: Okay. We have a motion and a  
17 second for denial of the request. Any further  
18 discussion? Would you please poll the commission.

19 UNIDENTIFIED FEMALE: Oh, okay. Vice chair  
20 Wendy Phelps?

21 MS. BAIRD: Opposed.

22 UNIDENTIFIED FEMALE: Renee Baird?

23 MS. BAIRD: In favor of my motion. Yes.

24 UNIDENTIFIED FEMALE: Sorry.

25 UNIDENTIFIED MALE: That's a negative and we

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1 rarely do that.

2 MS. BAIRD: I know. We hardly ever do that.

3 Yeah.

4 UNIDENTIFIED FEMALE: Rich Braune?

5 MR. BRAUNE: I --

6 CHAIRMAN GUERRA: In favor or oppose the  
7 motion?

8 MR. BRAUNE: In favor.

9 UNIDENTIFIED FEMALE: Olen Yarnell?

10 MR. YARNELL: I wish we could do it some other  
11 way, but I'm in favor of the motion. I can't -- I  
12 can't go against our master plan.

13 UNIDENTIFIED FEMALE: Sharon Hendricks?

14 MS. HENDRICKS: In favor.

15 UNIDENTIFIED FEMALE: Hal Burnside?

16 MR. BURNSIDE: In favor.

17 UNIDENTIFIED FEMALE: Paul Biever?

18 MR. BIEVER: In favor.

19 UNIDENTIFIED FEMALE: Motion passes six/one.

20 Chair, do you also vote?

21 CHAIRMAN GUERRA: In favor.

22 UNIDENTIFIED FEMALE: In favor. Okay.

23 Seven/one.

24 UNIDENTIFIED FEMALE: When does it go before  
25 City Council?

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1 UNIDENTIFIED FEMALE: When does it go?

2 CHAIRMAN GUERRA: It will go -- it will be  
3 forwarded to the City Council at their next meeting of  
4 March the --

5 UNIDENTIFIED FEMALE: 4th.

6 CHAIRMAN GUERRA: -- 4th.

7 (End of discussion.)  
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1 THE STATE OF TEXAS \*

2 COUNTY OF BEXAR \*

3 I, SHAN MORRIS BLANCHARD, Certified Shorthand  
4 Reporter, duly commissioned and certified in and for  
5 the State of Texas, do hereby certify that the  
6 foregoing pages of typewriting were prepared under my  
7 direction and contain and constitute a full, true and  
8 correct transcript of my shorthand notes as taken from  
9 audiotapes provided to me by DANIEL WENTWORTH,  
10 purported to be the recording of the requested portion  
11 of the Leon Valley Zoning and Land Use Commission  
12 Meeting as set out in the title hereto.

13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand and affixed my seal on this \_\_\_\_\_ day  
15 of \_\_\_\_\_, A.D. 2009.

16  
17  
18  
19  
20 mjc

\_\_\_\_\_  
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